



ATTORNEY DOCKET NO.: HAR65 001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Michael Thomas Kurdziel

Confirmation No. 6363

Serial No.: 09/893,461

Art Unit: 2134

Filed: June 29, 2001

Examiner: Christopher J. Brown

Title: METHOD AND APPARATUS FOR DATA ENCRYPTION

**TRANSMITTAL**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition for Withdrawal of the Holding of Abandonment Under 37 C.F.R. § 1.181(a), including Exhibits A-E, for the above-identified Application.

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

A duplicate of this sheet is enclosed.

Respectfully submitted,



---

Patrick D. McPherson      Reg. No. 46,255  
Ryan T. Hardee      Reg. No. 57,515

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: March 22, 2007



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In re the Patent Application of Michael Thomas Kurdziel

Confirmation No. 6363

Serial No.: 09/893,461

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Title: METHOD AND APPARATUS FOR DATA ENCRYPTION

**Office of Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

Sir:

This communication is responsive to a Notice of Abandonment mailed March 19, 2007 for the subject application.

In brief, the Applicant timely paid the Issue Fee of \$1,400.00, the Publication Fee of \$300.00, and a fee for an Advance Order of six (6) patent copies of \$18.00 (for a total of \$1,718.00) on December 5, 2006 for the subject application. Accompanying the payment of the Issue Fee and Publication Fee, Applicant submitted a Response to a Notice Regarding Drawings and Six replacement drawings showing Figures 1-6 on December 5, 2006. A copy of a date stamped postcard accompanying the Applicant's payment of the above-listed fees, response to the Notice Regarding Drawings and

replacement drawings and showing the filing date of December 5, 2006 is attached herewith as Exhibit A.

Pursuant to MPEP § 711.03(c)(I)(B), a petition to withdraw holding of abandonment is proper if “applicants [can] establish that a reply was filed with a postcard receipt that properly identifies the reply [thus providing] *prima facie* evidence that the reply was timely filed.” *See* MPEP § 711.03(c)(I)(B).

The subject application received a Notice of Allowance mailed September 5, 2006. The subject application received a Notice Regarding Drawings mailed October 24, 2006. The Applicant timely paid the required fees and submitted the required drawings in response to the Notice Regarding Drawings as evidenced by the attached date-stamped postcard (see Exhibit A). The timely paid fees were accompanied by a PTOL 85 transmittal (see Exhibit B) and an Issue Fee Cover Sheet (see Exhibit C). The Response to Notice Regarding Drawings (see Exhibit D) was accompanied by six replacement drawings showing Figures 1-6 (see Exhibit E).

All indicia of the subject application, such as the application number, filing date, the first named inventor and the Attorney Docket Number was correctly identified on the date-stamped postcard (see Exhibit A), the Issue Fee Cover Sheet (see Exhibit C), and the Response to Notice Regarding Drawings (see Exhibit D). The PTOL 85 transmittal (see Exhibit B) correctly identified the filing date, the first named inventor and the Attorney Docket Number of the subject application.

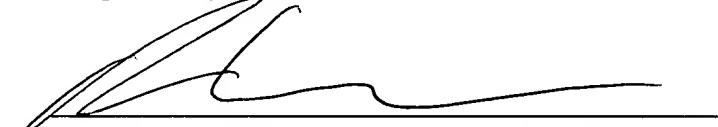
Under MPEP § 711.03(c)(I)(B), the Applicant has provided *prima facie* evidence that the issue fee and publication fee and Response to Notice Regarding Drawings were

timely filed on December 5, 2006. For the reasons discussed above, Applicant respectfully submits that the abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof.

Although it is believed that no fee is due for or in connection with this Petition, the Office is hereby authorized and requested to charge any appropriate fee required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Patrick D. McPherson      Reg. No. 46,255  
Ryan T. Hardee      Reg. No. 57,515

DUANE MORRIS LLP  
1667 K Street N.W., Suite 700  
Washington, D.C. 20006-1608  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: March 22, 2007

DM2\1089583.1

**EXHIBIT A**



HAR65 001

In re the Patent Application of Michael Thomas Kurdziel  
Confirmation No. 6363

Serial No.: 09/893,461

Art Unit: 2134

Filed: June 29, 2001

Examiner: Christopher J. [unclear]

Title: METHOD AND APPARATUS FOR DATA ENCRYPTION  
Papers Enclosed: Two Issue Fee Cover Sheets, an Issue Fee  
Transmittal Form, A Response to Notice Regarding Drawings, Six (6)  
replacement drawings showing Figures 1-6, and a check in the amount  
of \$1,718.00, for the Issue Fee (\$1,400.00), for the Publication  
Fee (\$300.00), and for Advance Order of 6 patent copies (\$18.00)  
for the above-identified application.

DOCKETED

RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

**EXHIBIT B**

Complete and send this form, together with ap-

licable fee(s), to: Mail  
Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

09/05/2006



DUANE MORRIS LLP  
1667 K STREET NW  
SUITE 700  
WASHINGTON, DC 20006

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,461	06/29/2001	Michael Thomas Kurdziel	HAR65 001	6363

TITLE OF INVENTION: METHOD AND APPARATUS FOR DATA ENCRYPTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	12/05/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROWN, CHRISTOPHER J	2134	380-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Duane Morris LLP

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Harris Corporation

Melbourne, Florida 32919

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies 6

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 04-1679 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name Ryan T. Hardee

Registration No. 57,515

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



## EXHIBIT C



ATTORNEY DOCKET NO. HAR65 001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Michael Thomas Kurdziel

Confirmation No. 6363

Serial No.: 09/893,461

Art Unit: 2134

Filed: June 29, 2001

Examiner: Christopher J. Brown

Title: METHOD AND APPARATUS FOR DATA ENCRYPTION

**ISSUE FEE COVER SHEET**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified patent application are:

- Issue Fee Transmittal Form.
- A Response to Notice Regarding Drawings
- Six (6) sheets of replacement drawings showing Figures 1-6.
- A check in the amount of \$1,718.00 for the Issue Fee (\$1,400.00), for the Publication Fee (\$300.00) and for Advance Order of 6 patent copies (\$18.00).

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 04-1679.

A duplicate of this document is enclosed.

Respectfully submitted,

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Patrick D. McPherson      Reg. No. 46,255  
Ryan T. Hardee              Reg. No. 57,515

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: December 5, 2006



## EXHIBIT D



ATTORNEY DOCKET NO. HAR65 001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Michael T. Kurdziel

Confirmation No. 6363

Serial No.: 09/893,461

Art Unit: 2134

Filed: June 29, 2001

Examiner: Christopher J. Brown

Title: METHOD AND APPARATUS FOR DATA ENCRYPTION

**RESPONSE TO NOTICE REGARDING DRAWINGS**

**MAIL STOP ISSUE FEES**

Commissioner of Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Notice Regarding Drawings mailed October 24, 2006, please substitute the enclosed Replacement Sheets for Figures 1, 2, 3, 4, 5 and 6 for the corresponding drawings in the application.

The draftsperson identified copy machine marks and poorly characterized lines and reference numerals on the original drawings. These errors have been corrected. Acceptance of the enclosed Replacement Sheets for Figures 1, 2, 3, 4, 5 and 6 is hereby solicited. No new matter has been added.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

---

Patrick D. McPherson	Reg. No. 46,255
Ryan T. Hardee	Reg. No. 57,515

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: December 5, 2006



## EXHIBIT E

DM2\1089583.1



"Replacement Sheet"

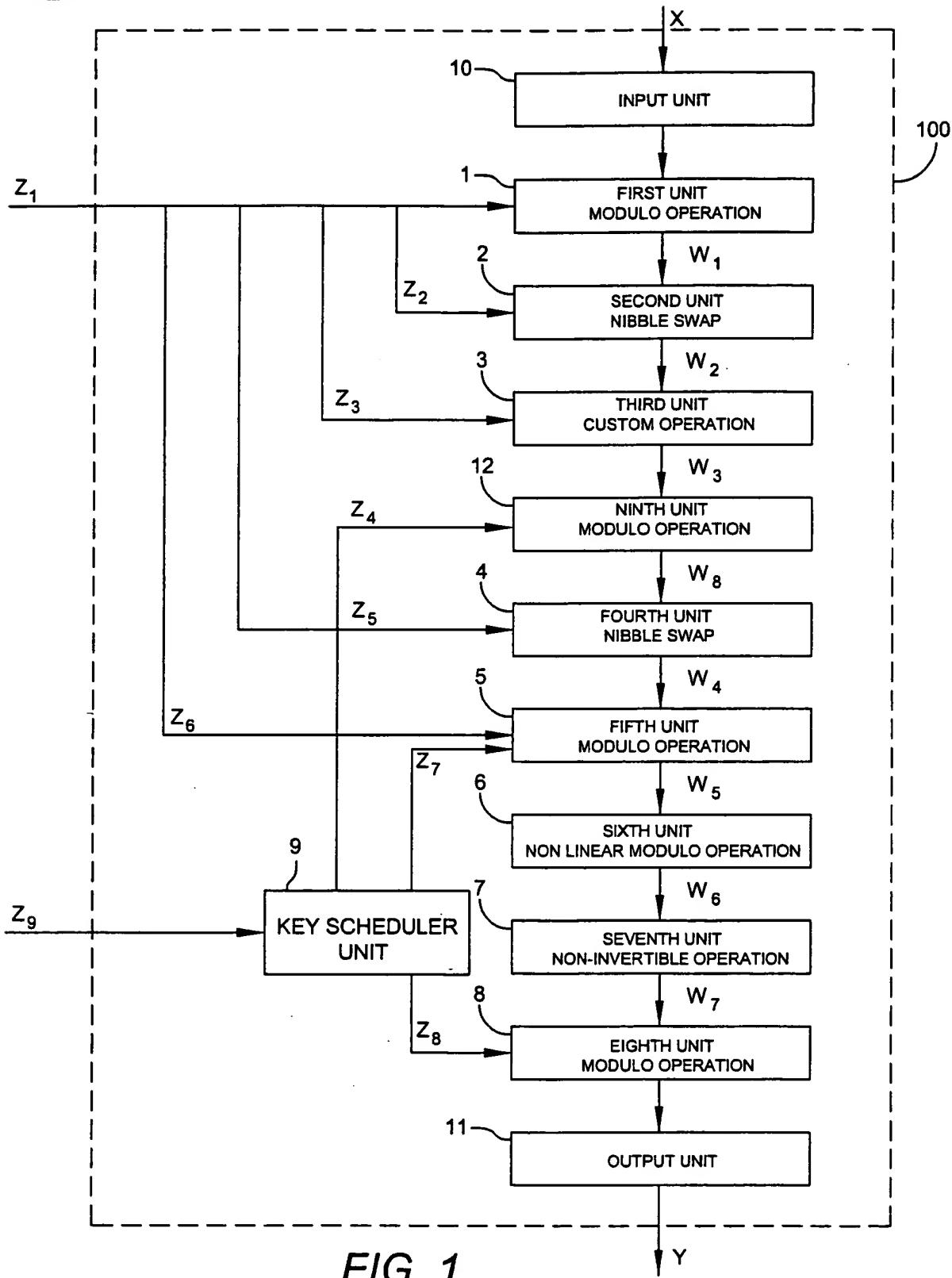
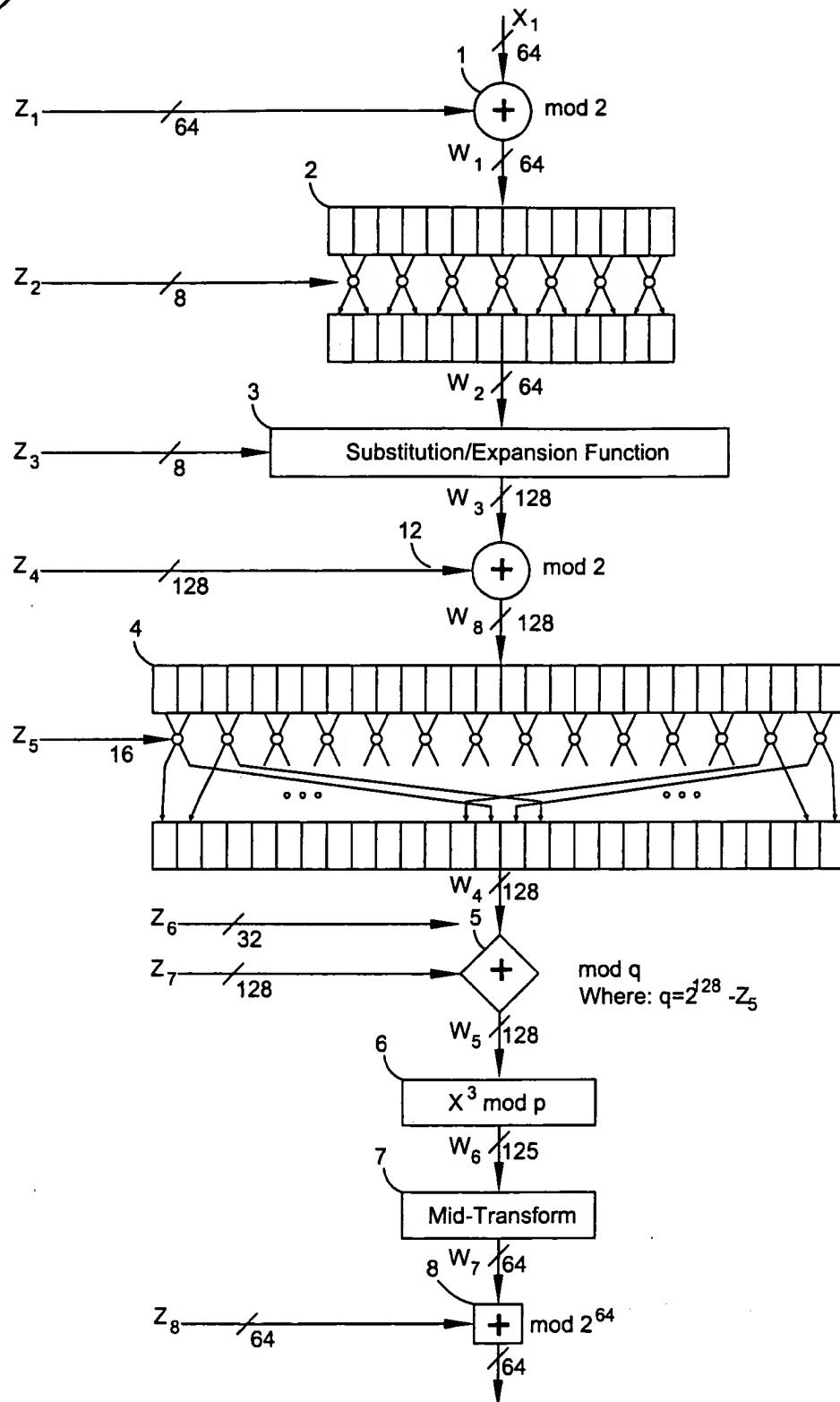


FIG. 1



*"Replacement Sheet"*



*FIG. 2*



"Replacement Sheet"

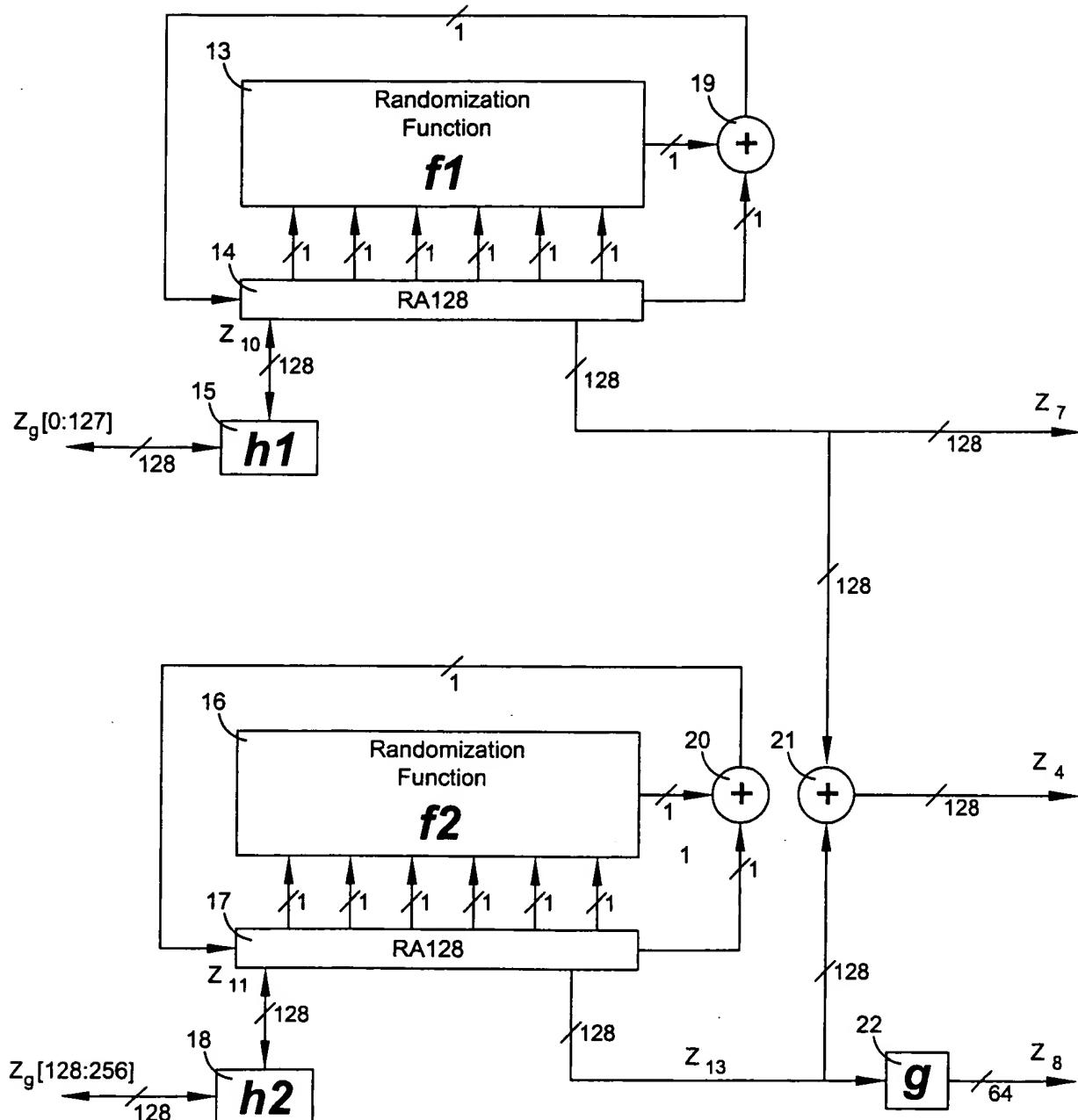


FIG. 3



"Replacement Sheet"

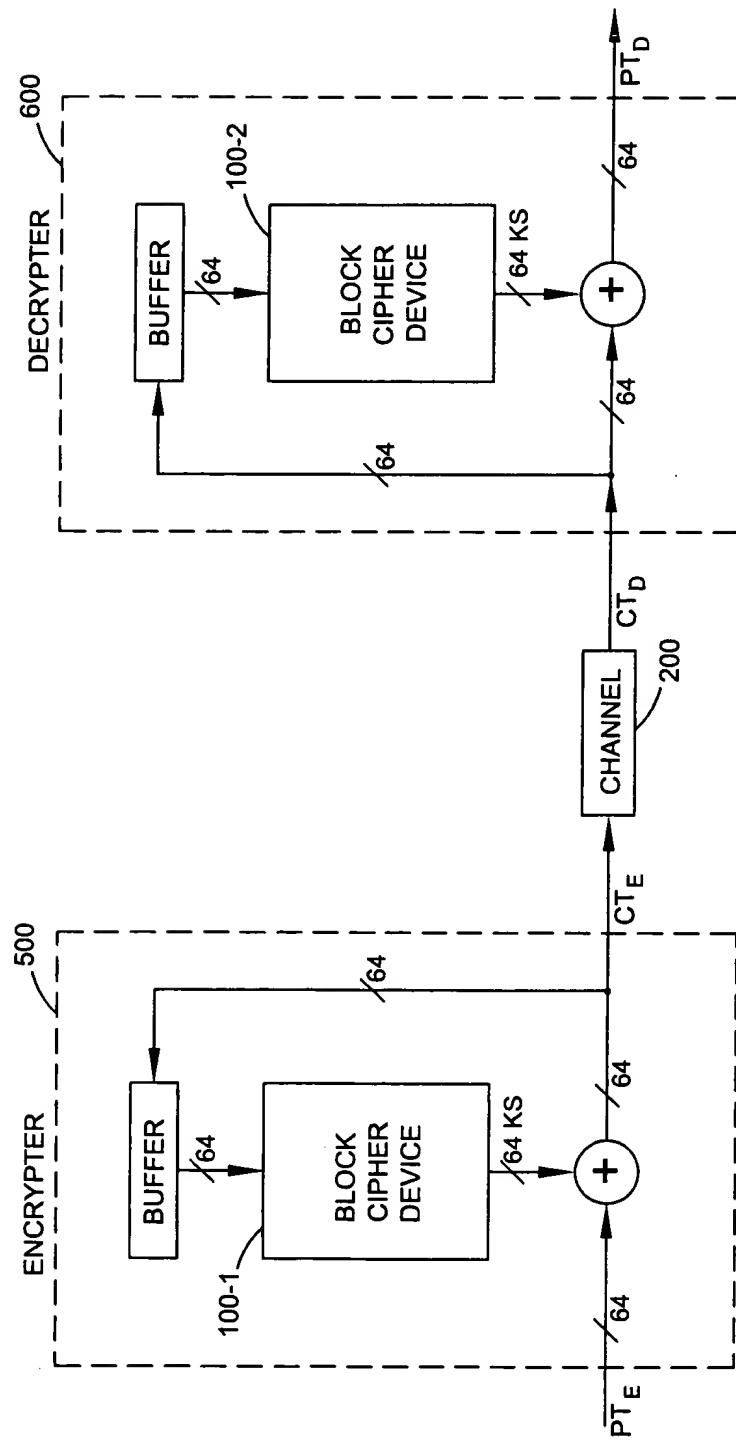


FIG. 4



"Replacement Sheet"

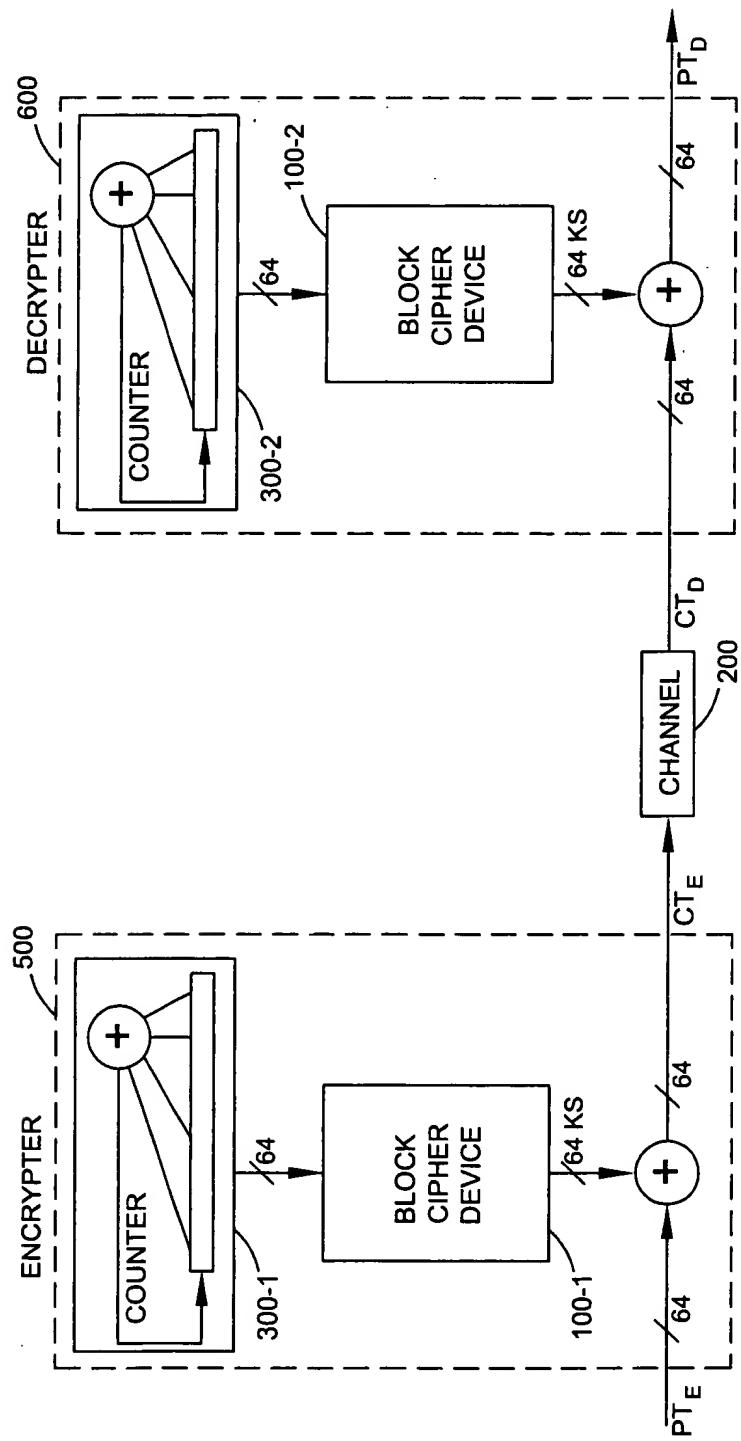


FIG. 5



*"Replacement Sheet"*

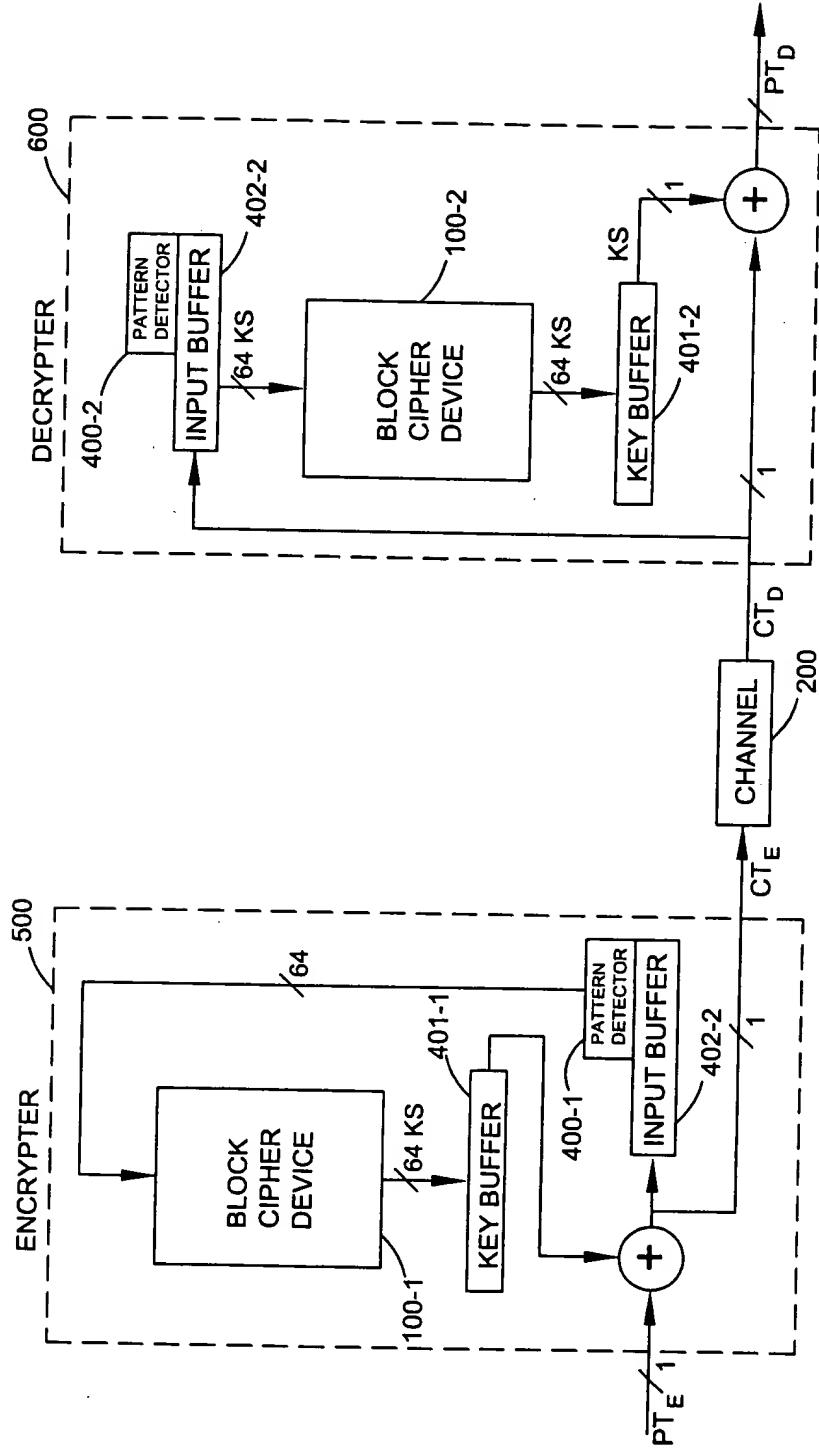


FIG. 6